



SPC / 1/10/08

PTO/SB/37 (10-08)  
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## Request for Deferral of Examination 37 CFR 1.103(d)

Application Number	10/759,145	Art Unit	3691
Filing Date	01/20/2004	Examiner Name	N. Subramanian
First Named Inventor	Neil C. Schoen	Attorney Docket Number	N.A.

Address to: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby request deferral of examination under 37 CFR 1.103(d) for the above-identified (non-reissue) utility or plant application filed under 37 CFR 1.53(b) for a period of 18 months ~~months~~ (maximum 3 years), from the earliest filing date for which a benefit is claimed. Deferral of examination under 37 CFR 1.103(d) is suspension of action. As a result, any patent term adjustment may be reduced. See 37 CFR 1.704(c)(1).

**Note:** The request will not be granted unless the application is in condition for publication as provided in 37 CFR 1.211(c) and the Office has not issued either an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.

If applicant previously filed a nonpublication request under 37 CFR 1.213(a):

☐ I hereby rescind under 37 CFR 1.213(b) the previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

**Note:** Application will be scheduled for publication at 18 months from the earliest claimed filing date for which a benefit is claimed.

### Fees

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayment, to Deposit Account No. \_\_\_\_\_
- i. ☐ Processing fee set forth in 37 CFR 1.17(i) for request for deferral of examination.
- ii. ☐ Publication fee set forth in 37 CFR 1.18(d). 11/18/2008 CNGUYEN2 00000007 11759145  
61 FC:1464 130.00 OP
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 130.00 is enclosed.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed).

**WARNING:** Information in this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Note:** The publication fee set forth in 37CFR 1.18(d) and the processing fee in 37 CFR 1.17(i) for deferral of examination are required when the request of deferral of examination is filed.

Signature		Date	11/10/2008
Name (Print/Typed)	Neil C. Schoen	Registration Number	cus# 64260

**Note:** Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms for more than one signature, see below.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.103(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NEIL C. SCHOEN



Request for Deferral:

Awaiting decision of Supreme Court decision in the wake of the PTO circuit court ruling 'in re Bilski' which contended that computer (e.g., machine) must be part of the claims. The final decision now rests with the Supreme Court, which could delay an official resolution for many months/years.

I believe that an "article of Manufacture" (e.g., deeds of trust for housing) is the correct category (a physical object that qualifies as merchandise). A process is a weaker category.

11/13/08 Neil C. Schoen